

Chm
1/4/01

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

LEWIS JOHNSON,

Plaintiff,

V.

1:00-CV- 1873

Judge Kane /

HERSHEL W. GOVER, Acting Secretary of
Veterans Affairs; RODNEY KISCADDEN;
ALICE FIDLER; PEG WINTERS;
IRVIN ERICKSON; RAYMER KENT;
and AMERICAN FEDERATION OF GOVERNMENT
EMPLOYEES LOCAL 1966,

Defendants.

FILED
HARRISBURG

JAN 3 - 2001

MARY E. D'ANDREA, CLERK
Per 9/8
DEPUTY CLERK

DEFENDANT PEG WINTERS' AND DEFENDANT
AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES LOCAL
1966'S RULE 12(b)(1) MOTION TO DISMISS

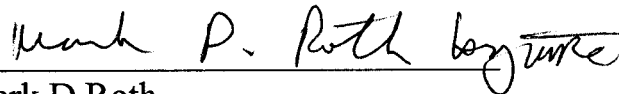
Defendant Peg Winters and Defendant American Federation of Government Employees hereby moves that this matter be dismissed because the court lacks subject matter jurisdiction.

I telephoned counsel for the plaintiff on January 2, 2001 but he was not there. I left a message that I had called to find out his position on this motion. I assume that he opposes the granting of the motion. (By my letter dated December 18, 2000 to him I informed him that I would be filing such a motion absent withdrawal of the claims against my clients. He acknowledged receipt of this letter by his letter of December 21, 2000.)

Respectfully Submitted,



Martin R. Cohen
Attorney I.D. # 14112 (PA)
Assistant General Counsel
AMERICAN FEDERATION OF
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610 660 0316
Counsel for Defendants Peg Winters and
AFGE Local 1966

A handwritten signature in cursive script, reading "Mark D. Roth", followed by a horizontal line.

Mark D. Roth
General Counsel
AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES
80 F. Street, N.W.
Washington, DC 20001
202 639 6415

January 02, 2001

Certificate of Service

A copy of the foregoing and/or enclosed Motion to Dismiss, Memorandum in Support of Motion To Dismiss and Proposed Order was served by first class mail postage prepaid by the undersigned on this date on the following:

Andrew J. Ostrowski
Suite 201
2080 Linglestown Road
Harrisburg, PA
17110-9670

date:

1/30/01



Martin R. Cohen